

ESTTA Tracking number: **ESTTA579833**

Filing date: **01/02/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Snapchat, Inc.
Granted to Date of previous extension	01/01/2014
Address	523 Ocean Front Walk Venice, CA 90291 UNITED STATES
Attorney information	TIMOTHY D. HANCE COOLEY LLP 1299 PENNSYLVANIA AVE NW, SUITE 700 WASHINGTON, DC 20004 UNITED STATES trademarks@cooley.com, thance@cooley.com, tbontemps@cooley.com Phone:8585506000

Applicant Information

Application No	85897302	Publication date	09/03/2013
Opposition Filing Date	01/02/2014	Opposition Period Ends	01/01/2014
Applicant	Keyless Systems Ltd. 12 Hadishon Street, Apt. 6 Jerusalem, ILX 96956 ILX		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Computer application software for mobile phones, namely, software for mobile phones, handheld tablets, remote control devices, computers, human machine interfaces, touchscreen devices and social networks, namely, software for editing and sharing images, photos and/or text, manipulating and entering data into these devices and/or social networks and/or control thereof; Computer programs for editing images, sound and video; Computer software for communicating with users of hand-held computers; Computer software for organizing and viewing digital images and photographs; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software to enable the transmission of photographs to mobile telephones

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4375712	Application Date	12/12/2012
Registration Date	07/30/2013	Foreign Priority Date	NONE
Word Mark	SNAPCHAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2011/09/30 First Use In Commerce: 2011/09/30 Computer application software for mobile phones, portable media players, and handheld computers, namely, software for sending digital photos, videos, images, and text to others via the global computer network		

Attachments	85800506#TMSN.jpeg(bytes) Snapchat Notice of Opp. - LETSNAP.pdf(136137 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Timothy D. Hance/
Name	TIMOTHY D. HANCE
Date	01/02/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 85/897,302
For the trademark LETSNAP
Published in the Official Gazette of September 3, 2013

SNAPCHAT, INC.)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
KEYLESS SYSTEMS LTD.)	
)	
Applicant)	
_____)	

NOTICE OF OPPOSITION

Opposer Snapchat, Inc. (“Snapchat” or “Opposer”), a Delaware corporation having its principal place of business at 523 Ocean Front Walk, Venice, California 90291, will be damaged by the issuance of a registration for the mark LETSNAP (the “Applicant’s Mark”), as applied for in Serial No. 85/897,302 (the “Application”) filed on April 7, 2013 by applicant Keyless Systems Ltd., an Israeli limited liability company having its principal place of business at 12 Hadishon Street, Apt. 6, Jerusalem, Israel 96956 (“Applicant”). Snapchat, having previously been granted an extension of time to oppose Applicant’s Mark, hereby opposes same.

As grounds for opposition, Snapchat alleges:

1. Snapchat is an enormously popular social messaging application that allows users to share photographs, videos, and messages with others via mobile applications. Since its launch in 2011, Snapchat’s millions of registered users have shared billions of photographs and messages and, as of today, more than 40 million messages are shared each day via the

SNAPCHAT application. Snapchat has been the subject of thousands of articles in a wide range of media venues and Snapchat is currently among the fastest selling smart phone applications in the world.

2. As a result of its success and widespread public recognition, Snapchat enjoys substantial goodwill and commercial value in the SNAPCHAT mark.

3. Snapchat owns U.S. Registration No. 4,375,712 for the word mark SNAPCHAT (“Snapchat’s Mark”) in International Class 009 in connection with “[c]omputer application software for mobile phones, portable media players, and handheld computers, namely, software for sending digital photos, videos, images, and text to others via the global computer network.”

4. The SNAPCHAT mark is highly distinctive with regard to social messaging goods and services. Moreover, through Snapchat’s widespread use of the SNAPCHAT Mark, extensive and continuous media coverage, the high degree of consumer recognition of the SNAPCHAT Mark, Snapchat’s enormous and loyal user base, its federal trademark registration, and other factors, the SNAPCHAT Mark has become famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c)

5. On or about April 7, 2013, Applicant filed an intent-to-use application under Section 1(b) to register the mark LETSNAP in connection with “[c]omputer application software for mobile phones, namely, software for mobile phones, handheld tablets, remote control devices, computers, human machine interfaces, touchscreen devices and social networks, namely, software for editing and sharing images, photos and/or text, manipulating and entering data into these devices and/or social networks and/or control thereof; [c]omputer programs for editing images, sound and video; [c]omputer software for communicating with users of handheld computers; [c]omputer software for organizing and viewing digital images and photographs;

[c]omputer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; [c]omputer software to enable the transmission of photographs to mobile telephones” in International Class 009 (the “Opposed Goods”).

6. Applicant’s Mark was published in the *Official Gazette* on September 3, 2013.

GROUND FOR OPPOSITION: LIKELIHOOD OF CONFUSION

7. Snapchat incorporates by reference Paragraphs 1 through 6, inclusive, as if fully set forth herein.

8. Snapchat began using its SNAPCHAT mark at least as early as September 2011, and filed an application resulting in a federal registration prior to Applicant’s application to register the LETSNAP Mark and, on information and belief, any actual use by Applicant of Applicant’s Mark.

9. The SNAPCHAT Mark is strong and famous.

10. Applicant’s LETSNAP Mark is likely to be confused with and mistaken for Snapchat’s SNAPCHAT Mark because Applicant’s Mark is similar to Snapchat’s Mark.

11. Based on the description in the Application, Applicant’s Mark is intended for use in connection with products that are identical or highly related to Snapchat’s goods and services.

12. On information and belief, Applicant’s targeted customer/user base and channels of trade for its goods and services offered under the LETSNAP trademark overlap with the customer/user base and channels of trade for Snapchat’s goods and services offered under the SNAPCHAT Mark.

13. Snapchat is informed and believes, and based thereon alleges, that Applicant’s Mark was adopted with knowledge of the SNAPCHAT Mark, and the intent to call to mind, to

create a likelihood of confusion with, and/or to trade off the goodwill in the SNAPCHAT Mark.

14. If Applicant is permitted to register Applicant's Mark for the Opposed Goods, Snapchat would be damaged. Consumers and users familiar with Snapchat's SNAPCHAT Mark would likely perceive Applicant's products as associated or affiliated with or sponsored by Snapchat. Such confusion would inevitably result in damage to Snapchat. Any defect, objection to, or fault found with the goods and services offered under Applicant's Mark would negatively reflect on and injure Snapchat.

15. Registration of Applicant's Mark would give Applicant *prima facie* evidence of the validity and ownership of Applicant's Mark and of Applicant's exclusive right to use Applicant's Mark, all to the detriment of Snapchat.

16. Wherefore, Snapchat prays that this Opposition be sustained and that Application Serial No. 85/897,302 be denied and refused registration with regard to the Opposed Goods.

Respectfully submitted,

COOLEY LLP

Date: January 2, 2014

By: /Timothy D. Hance/

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Attorneys for Opposer

Snapchat, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2014, I mailed the foregoing NOTICE OF OPPOSITION regarding Snapchat, Inc. v. Keyless Systems Ltd. to Applicant by depositing a true and correct copy of the same with the United States Postal Service, First Class Mail International, in an envelope addressed to:

Keyless Systems Ltd.

12 Hadishon Street, Apt. 6

Jerusalem, Israel 96956

Date: January 2, 2014

/Timothy D. Hance/

Timothy D. Hance